

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

MAY 19, 2008

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously (4 to 0) on an aye vote to extend Good and Welfare by five minutes.

School Department Budget

Keith Daniels, Brad Huntley, Steven Vowels, Linda-Jean Briggs and Joshua Silvia expressed their concerns about the lack of funding for the school department budget and the possibility of losing various programs. There is a need to bridge the gap between the Town Council, the School Committee and the Town Administrator. Signatures were presented requesting a special meeting with the Council and School Committee.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote at 7:05 P.M. to extend Good & Welfare for another five minutes.

LIZ Development

Mr. Leo Defond was told by a neighbor that they got a discount on taxes because they live in a distressed area.

School Department

Mr. Ernest Alter requested the Town Council to protect all taxpayers in town. He called for the elimination of collective bargaining, investigation of tax credits to families and performance evaluation of teachers.

REGULAR MEETING

The regular meeting began at 7:15 P.M. with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett and Mr. Zwolenski. Mrs. Thibault was unable to attend due to a family emergency. Town Administrator Lowe and Town Solicitor Hadden were also present.

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EXECUTIVE SESSION

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 7:16 P.M. pursuant to RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 8:00

P.M. and to seal the minutes. Two properties were discussed. There was no motion concerning the first property. One vote was taken on the second property and, pursuant to RIGL 42-46-5(A), the identity and the nature of the vote will remain confidential until such time as confidentiality no longer applies.

APPROVAL OF MINUTES

MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve the minutes of April 21, April 25 and May 5, 2008.

PAYMENT OF BILLS

Monthly Bills

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve payment of the following: General Fund - \$2,123,457.60 and Sewer - \$121,953.98 for a total of \$2,245,411.58.

Gilbane Building Company

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to approve Requisition #21 Job #4178 in the amount of \$1,529,728.38, Requisition #8-S Job #4178010 in the amount of \$6,441.54 and Requisition #9-F Job #4178010 in the amount of \$492,265.25 for a total of \$2,028,435.17 based upon the recommendations of the School Building Committee and the Finance Director.

RESOLUTION RE: \$3,000,000 OPEN SPACE BOND

Mr. Lowe commented that the town currently has an open space bond and is seeking to acquire a large tract of land. If an opportunity arises, he recommends that the town have additional open space funding available and he would therefore like to start the process to place a question on this year's ballot for \$3,000,000.

Town Planner Michael Phillips added there are a couple of areas in mind and he agrees it would be good to have financing available. There is a round of open space grants coming up in the fall and he would apply for matching funds.

Mr. Leclerc stated that, due to the fiscal climate, he is not in favor at this time of petitioning the General Assembly for these funds.

Mr. Lovett agreed. This evening he heard a lot of people speak about the cuts to the school department and believes this would send the wrong message.

Mr. Lowe further explained this funding would be available but not necessarily spent.

Mr. Keeley concurred that the time is not right.

Mr. Zwolenski noted the original \$3,000,000 bond was approved in

2005 and it has taken until now to be at a point to possibly buy some land. The town needs to have a two-, five-, and ten-year plan. Open space saves costs in the budget.

MOTION by Mr. Zwolenski to approve the resolution petitioning the Rhode Island General Assembly to enact legislation authorizing the Town of North Smithfield to issue bonds and notes in an amount not to exceed \$3,000,000 for the purpose of financing the acquisition and preservation in perpetuity of open space and/or the purchase of development rights to open space in the town.

The motion died for lack of a second.

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MIDDLE SCHOOL CONSTRUCTION

Changes to Design/Builder's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the following changes based upon the recommendation of the School Building Committee: to add 2-hr rated ceiling at elevator machine room in the amount of \$1,388.00; electrical work to relocate the high school events directory in the amount of \$871.00; to rework the steel for framed openings due to coordination issues in the amount of \$4,551.00; to fabricate and install stainless steel corner guards at entrances to boys' and girls' bathrooms and tray drop-off area at Kitchen Dishwashing in the amount of \$1,741.00; to provide replacement light bulbs for temporary

lighting system in the amount of \$4,354.00; to add stainless steel handrail section on Stairwell A in the amount of \$3,531.00; to add an additional IDF function in Storage Room #160A due to length of cable runs exceeding 300 feet in the amount of \$13,358.00; to revise window sill flashing depth in the amount of \$1,550.00; for additional cost of propane versus the budgeted amount in the amount of \$117,251.00; to rework concrete forms for electrical ductbank due to winter conditions in the amount of \$4,437.00; to paint exposed structural steel headers in Cafetorium and Gym with intumescent paint in the amount of \$3,100.00; to upgrade fabric on Cafetorium shades to Thermoveil and to add shades over two sets of double doors on south elevation in the amount of \$2,606.00; to furnish and apply epoxy paint to cmu walls in Kitchen and Dishwashing areas in the amount of \$4,390.00; to add three phase power and a disconnect missed in the electrical drawings in the amount of \$2,183.00; to repair damaged data cables in the amount of \$327.00; to provide 45 additional evacuation route signs for classrooms in the amount of \$1,276.00; to provide Altro 30 sheet vinyl non-slip flooring within the Kitchen cooler and freezer area in the amount of \$1,886.00; to provide additional humidstats and humidity control on rooftop HVAC units in the amount of \$9,549.00; to seal the concrete slab in the locker rooms and kitchen areas for the installation of the epoxy floor in the amount of \$10,198.00; to revise lighting controls in classrooms in the amount of \$6,302.00; for the revision from 2 pole breakers to 3 pole breakers in the amount of \$1,472.00; and the Owner's reserve for Phase 2 in the amount of \$128,622.00 for a total of \$324,943.00.

Owner's Contingency

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the following changes based upon the recommendation of the School Building Committee: Revisions to the Advantex control shed in the amount of \$6,245.00; relocation of the conduit and boxes for the smartboards in the amount of \$386.000; for price escalation of propane for temporary heat in the amount of \$32,738.00; for alterations to the observation ports in the septic system in the amount of \$12,787.00; addition of acid neutralizing system per RIDEM in the amount of \$30,125.00; added trench drain at south end of football field in the amount of \$10,075.00; upgrade the wood gym floor to edge grain maple in the amount of \$6,023.00; for the HVAC systems commissioning in the amount of \$60,000.00 and for concrete sidewalks at the Middle School in the amount of \$49,448.00. Credits to the Owner's Contingency are \$275,000.00 for technology and \$96,466.00 for Phase 2 of the Owner's reserve. The balance in the Owner's Contingency is \$175,784.00 not including the IT budget transfer.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to sign Change Orders #15 and #7 and to sign the proposal for commissioning agent services for RGB/Sabetta Blumberg.

Permit Fees Paid

The School Building Committee recommended that permit fees paid to the town by various contractors be returned to the project budget as was voted on at the October 16, 2006 Council meeting.

Mr. Lowe stated he was never apprised of this.

Building Inspector Robert Benoit believed the intent was to waive permit fees for Gilbane Building Company, not subcontractors. He does

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not believe there was wording in the contract stating fees were waived.

MOTION by Mr. Leclerc, seconded by Mr. Lovett and Mr. Keeley, and voted unanimously on an aye vote to continue this to the next meeting to allow the Finance Director and the School Building Committee to reconcile the numbers.

RESIGNATION FROM PERSONNEL BOARD – M. NAYLOR

Mr. Michael Naylor submitted his letter of resignation from the Personnel Board effective May 5, 2008.

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept Mr. Naylor's resignation

effective May 5, 2008 and to send him a letter of appreciation.

INDUSTRIAL DEVELOPMENT COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to receive and place on file the minutes of April 14, 2008.

SEWER COMMISSION MINUTES

MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on an aye vote to receive and place on file the minutes of March 19, 2008.

HOLIDAY SALES – CVS PHARMACY

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve a Holiday Sales license for CVS Pharmacy.

2ND READING ORDINANCE AMENDMENT RE: TAX PAYMENTS – INSTALLMENTS

MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to accept the following ordinance as a second reading: “IT IS ORDAINED by the Town Council of the Town of North Smithfield: Chapter 6 of the Code of Ordinances is amended to revise Section 6.1, “Tax Payment – Installments”, WHICH SHALL READ AS FOLLOWS: Section 6.1: Tax Payment – Installments All current taxes may be paid quarterly without penalty as follows: First

quarter due on or before August fifteenth; Second quarter due on or before October fifteenth; Third quarter due on or before January fifteenth; Fourth quarter due on or before April fifteenth. If the first or any succeeding installment is not paid when due, the entire balance shall become due with interest. The interest is based on the unpaid balance and compounded monthly back to the last satisfied quarter or most recent principal payment. This Ordinance shall take effect on the date of passage.”

CHERRY BROOK

Mr. Phillips noted that the ad for the Request for Proposals will be going out this week and responses will be due by June 11, 2008.

LIZ DEVELOPMENT

Mr. Phillips spoke of a letter dated May 2, 2008 from Assistant Town Solicitor Robert Rossi to Vincent J. Mesolella of LIZ Development Group, LLC as well as Mr. Mesolella’s response via his letter dated May 15, 2008. Mr. Mesolella was given a final date of May 20, 2008 to submit engineering plans to correct the deficiencies with the paving and the draining structures on Elizabeth Avenue and Saranac Street. Failure to do so would leave the town with no alternative but to take all appropriate actions to protect its interest including enforcement of its rights under the subdivision bond.

Mr. Zwolenski referred to a meeting held in January of 2008 attended by himself, Mr. Leclerc, Mr. Phillips, Mr. Lowe and Mr. Rossi. At that

time it was stated that the Planning Board expected stamped blueprints by the end of April. Mr. Zwolenski recommended that if plans do not arrive by 4:00 P.M. tomorrow, signed by a registered engineer, then the Planning Board must start the process to begin legal proceedings.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to send a letter to the Planning Board stating that once the drop dead date of May 20, 2008 is exceeded, the Planning

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Board should meet as soon as possible to make a motion/ruling on how they are planning to proceed and that the bond should be pulled immediately.

DESPER PROPERTY – QUAKER HIGHWAY

Mr. Hadden has spoken with the landowners and has discussed a strategy.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue this matter to July 21, 2008.

APPOINTMENTS TO HISTORIC DISTRICT COMMITTEE

There were no appointments.

APPOINTMENT TO SEWER COMMISSION

There was no appointment.

OUTDOOR SOUND SYSTEM PERMIT – V.F.W.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve an outdoor sound system permit to the V.F.W. on June 1, 2008 from 1:00 P.M. to 5:00 P.M. for a fundraiser to benefit the Rhode Island Multiple Sclerosis Society.

ZONING ORDINANCE AMENDMENT RE: ZONING APPLICATION FEES

Mr. Hadden noted there is no formal final ordinance as yet but there should be a public hearing and first reading scheduled.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to schedule a public hearing on July 21, 2008 regarding zoning application fees.

TOWN COUNCIL APPROVAL OF CONTRACTUAL OBLIGATIONS

Mr. Zwolenski stated the Town Council needs to look to the future as arbiters of taxes. He would like the Council and the public to see the municipal contracts prior to being approved. Mr. Zwolenski feels there are several items in the school department contract that could be negotiated. If Rhode Island law does not allow this, then maybe the General Assembly should be petitioned to change that.

School Committee member Paul Vadenais stated there presently is

legislation pending in the General Assembly that requires all teacher contracts to be approved by City/Town Councils.

Mr. Leclerc co-sponsored this discussion and supports providing necessary funding for schools. However, with the initiation of S3050 and the fiscal constraints that go along with it, long-term planning is essential.

Mr. Lowe testified in favor of a bill at the State House recently that would change the education formula for the state. Thirty-nine other states already use this formula.

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to authorize the Town Administrator to draft a letter to the General Assembly stating the Council's interest in and support of getting this bill passed.

HISTORICAL CEMETERIES ORDINANCE

MOTION by Mr. Keeley, seconded by Mr. Leclerc, and voted unanimously on an aye vote to continue this discussion to July 21, 2008.

COMMUNICATIONS

MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to place on file the following: A.) Animal Control Monthly Report for April 2008; B.) Objections to Resolution

**Passed by Charlestown Town Council; C.) Resolution Re: Automated Traffic Violation Monitoring Systems from the City of Providence; D.) Resolution Requiring Seat Belts on School Buses from the City of Warwick; E.) Resolution in Support of House Bill 7108 Relating to Labor Relations – Collective Bargaining from the Town of Westerly and
F.) Resolution in Support of House Bill 7776 Relating to Language in Collective Bargaining Agreements from the Town of Middletown.**

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MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 10:10 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk